

MAY 17<sup>th</sup>

Your Honorable Judge VANSICKLE

CR-03-129-FVS

In writing you concerning issues pertaining to me, that I feel you can decide and make a fair judgment which are issues that my present attorney finds hard to address the court with because he states to me he's unsure and really has no knowledge of Booker Blakley in applying it to me, as well as enhance facts that are not charged or alleged against me in my indictment, primarily drug quantity and career offender, my attorney has constantly expressed his being pressured to have my brief complete by the 24<sup>th</sup> of May, which I explained to him May 16<sup>th</sup> made me uncomfortable, I personally feel that in any event concerning me I should be able to get a honest pressured free effective counsel to represent me, he made no mention of even trying to ask for a continuance, which in return would give him time to gain some knowledge, he is stating he is lacking, but on another hand he's pressured to complete my brief before the 24<sup>th</sup> of May and he claims he's trying to answer questions at the same time, I feel he's unprepared you sentenced me Dec 3 2004 1 month before the Blakley Booker outcome, at that time you stated to me that you felt my sentence was too long for my drug charge, and you did not agree with the sentence you were imposing, however you said you were bound by the guidelines, which limited your authority to impose a sentence of your choice that you felt was appropriate for me. one of my problems is my calculation of my prescribed guideline range, with or without career offender is 77 to 96 months. 96 months is my statutory max. That Blakley has defined as my maximum of my guideline range which is the standard range, I was given an offense level of 24 with a 3 level deduction, not to -

Mention That quantity is Included In That Standard Offense level, Which quantity is Something I never pled to or Admitted too. I pled only to 841(A)(1) no specific quantity, I WAS sentenced to 841(B)(1)(C). What I'm unclear About is my Offense level. For example In U.S. v. Arnold Ameline OF Solely on The Basis of Ameline's Admissions of Distribution ~~at~~ A Detectable Amount, Without Any additional Findings Blakely 124 S. Ct. At 2537. His base Offense level would of Been 12 Regardless of me being a Career Offender as They claim only Enhances me to Category VI. here 841(B)(1)(C) Blakely's Definition of Statutory Maximum as The Maximum sentence a Judge may Impose Solely on The Basis of Facts Reflected In a Jury or Admitted by defendant. My Offense level ~~for~~ my quantity involved should be Base Offense level of 12 Not 34. My Offense - level <sup>is</sup> a quantity That WAS never Charged Against me, nor Admitted too, WAS Offense level 24. I WAS never Given The Choice to Have a Jury Determination on Drug quantity, Which is Solely The main Factor to How And Where an Offense level Derives From. Even where Due Process Requires That a Drug quantity Allegation be pleaded to In The Indictment And proved to - A Jury beyond Reasonable doubt, A defendant can plead guilty To The elements of The Offense Without Admitting Drug quantity U.S. v. THOMAS, 355 F. 3d 1191, 1198 9<sup>th</sup> Cir 2004, My Indictment or my plea Agreement never Charged Drug quantity nor did I Admit to Any Amount At my Charge of plea To justify an Offense level of 34 And sentenced to 188 months if my Prescribed guideline Range is 77 to 96 months As They say My sentence presently is 2 times greater Than 77 months That's Unbelievable. I Acknowledged That the government would Attempt To Argue That my Offense level is 34 because I appear to be

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A CAREER OFFENDER WHICH STATES THAT A CAREER OFFENDER'S CATEGORY IS ALWAYS CATEGORY III. BUT IT MADE NO MENTION THAT MY BASE OFFENSE LEVEL WOULD BE VERTICALLY ENHANCED. WHICH HAS NOTHING TO DO WITH CRIMINAL HISTORY, CAREER CRIMINAL HAS TO DO WITH PAST PRIOR FELONY CONVICTIONS WHICH IS CRIMINAL HISTORY WHICH ALLOWS AN ENHANCEMENT ALONG THE ~~GRID~~ GRID OF CRIMINAL HISTORY CATEGORY. HOW CAN ~~BE~~ CAREER OFFENDER BE USED TO ENHANCE MY CONDUCT MY INDIVIDUAL CONDUCT IS ONLY WHAT IT IS NO MORE OR LESS BECAUSE I'M A CAREER OFFENDER. I COULD UNDERSTAND ENHANCING A BASE OFFENSE LEVEL ACCORDING TO THE CONDUCT INVOLVED, <sup>WITH</sup> THE OFFENSE OF CONVICTION. BUT TO HAVE ME AT OFFENSE LEVEL 34 LIKE I WAS INVOLVED OR ADMITTED TO A QUANTITY OF DRUGS THAT DEMANDS THAT OFFENSE LEVEL BECAUSE THAT WAS THE CONDUCT INVOLVED MY CONDUCT IF I ADMITTED TOO ONLY WOULD INVOLVE AN OFFENSE LEVEL OF 24 AND CAREER OFFENDER WOULD NATURALLY BE CATEGORY III BUT IN THIS PRESENT CASE MY OFFENSE INVOLVED NO AMOUNT THAT I WAS EVER CHARGED WITH, WHICH MEANS MY OFFENSE LEVEL LEGALLY SHOULD BE OFFENSE LEVEL 12 BEFORE BLANKET WAS APPLIED TO THE FEDERAL GUIDELINES I WALKED THE RIGHT ~~TO~~ <sup>FOR</sup> A JURY DETERMINE RATHER OR NOT IF I WAS A CAREER OFFENDER WHICH WAS AN ARGUMENT FOR SENTENCING WHICH STILL NEED TO BE DECIDED ON A MUCH HIGHER LEVEL OF STANDARD THAN A PSI. HOW COULD A JURY OR ANY COURT DECIDE A FACT THAT IS NEVER CHARGED AGAINST A DEFENDANT CAREER OFFENDER A FACT THAT NEEDS TO BE PROVED BEYOND A REASONABLE DOUBT BY A JURY. SAMUEL WINSHIP 397 U.S. 358 25 L Ed 2d 368 90 S. Ct 1065. CAREER OFFENDER/DRUG QUANTITY FAR EXCEEDED THE MAXIMUM SENTENCE THAT WAS IMPOSED SIMPLY ON THE BASIS OF FACTS THAT ARE NEVER CHARGED OR ADMITTED TO.

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This sentencing scheme directly parallels the sentencing process held unconstitutional in *Blakely*. My present attorney is finding it hard to understand what it's saying pertains to me, I'm not attacking my conviction but my sentence, my attorney wants to argue that I should of been able to withdraw my plea, which is something that I'm not interested in, for fear that if successful the government can add additional enhancing factors which are not there presently. Also when I was sentenced to a career offender none of my priors stated in my plea agreement that that conviction would be used to enhance me in a federal case. Called career offender I did not knowingly and willingly except that conviction with the knowledge of that priors being used to enhance me which is part of the sentencing scheme here in Washington - *Crawford v. Washington State v. Crawford*, 147 Wn 2d Wn-2d 421, 435-37 - 2002 allocations guilty pleas and other federal statements admitting guilt these are testimonial.

Also in *Crawford* reframing the right to confrontation statements of confidential informants - when a confidential informant gives information to police officer for use in a criminal investigation these statements ~~are~~ are testimonial. Which like my case a confidential informant gave police information that was given to a judge to get authorization to use a tracking device to aid in criminal investigation against me, ~~is~~ your honorable <sup>Judge</sup> Vanshkie, I know that I'm addressing matters that concern me. but I'm unsure of if I'm applying them correctly by writing you, I know you have the authority to review my issues that I'm bringing

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BEFORE THE COURT HOWEVER I PRAY THAT YOU CONSIDER  
 WHAT I'M SAYING, RATHER YOU APPOINT ME A NEW COUNSEL OR  
 ALLOW ME TO REPRESENT MYSELF I WILL BE MORE THAN  
 HAPPY TO DO SO IF YOU ALLOW THIS LETTER AS A  
 FORM OF ~~A~~ PETITION TO THE COURT, I HAVE  
 WRITTEN<sup>TO</sup> YOU BACK IN FEB. OF THIS YEAR BUT I NEVER  
 GOT A RESPONSE, I WROTE TO P.O. BOX 2208 SPOKANE  
 WA 99210 FEDERAL COURT BUILD. I ONLY ASK A  
 MINIMAL CONSIDERATION BY YOU THE COURT TO REVIEW  
 MY SENTENCE AND YOUR STATEMENTS YOU EXPRESSED ABOUT  
 MY SENTENCE, IN RETURN I HOPE JUST TO BE GIVEN  
 A REASONABLE SENTENCE PLEASE!

THANK YOU

My Attorney is

Phill Nino

509-325-5466

My brief is due

MAY 24<sup>TH</sup> THIS YEAR

CAN YOU PLEASE HELP MY  
 CONCERNS MY ATTORNEY IS  
 NOT IN MY BEST INTEREST

AT THIS TIME, I ASKED TO  
 PLEASE BE BROUGHT TO COURT TO

REVIEW AND CORRECT MY SENTENCE PLEASE!

o

I'M SENDING COUNSEL PHILL NINO A LETTER OF CONCERN

AND ASKING FOR HIS MUTUAL WITHDRAWAL FROM PRESENT COUNSEL

MY PREVIOUS LETTER WENT TO JUDGE NIELSEN, WHICH WAS A  
 MISTAKE HE MAY HAVE THAT LETTER THAT WAS WRITTEN TO YOU

I SENT THE LETTER BACK IN FEB. OF THIS YEAR! →

o

hopeFenny You CAN get The letter if He HAS not  
got rid of it. I Really personally would just like  
A sentence That's Reasonable please



November 1, 1997  
GUIDELINES MANUAL  
Amendment 125

Level 36

November 1, 1997  
GUIDELINES MANUAL  
Amendment 125  
Level 16

I HAVE BEEN PLACED AT OFFENSE LEVEL 34 THAT OFFENSE LEVEL DOES NOT HAVE THE SCHEDULE I OR II STIMULANTS WHICH IS COCAINE THAT I WAS INVOLVED WITH MY OFFENSE INVOLVED POWDER NOT COCAINE BASE WHICH I NEVER ADMITTED TOO. PSI SAYS IF I'M NOT A CAREER OFFENDER THEN I'M OFFENSE LEVEL 34

PLEASE ADVISE JUDGE OF THIS

- (9) At least 100 G but less than 400 G of Heroin;  
(or the equivalent amount of other Schedule I or II Opiates);  
At least 300 G but less than 2 KG of Cocaine;  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 5 G but less than 20 G of Cocaine Base;  
At least 100 G but less than 400 G of PCP, or at least 10 G but less than 40 G of Pure PCP;  
At least 100 G but less than 400 G of Methamphetamine, or at least 10 G but less than 40 G of Pure Methamphetamine;  
At least 1 G but less than 4 G of LSD;  
(or the equivalent amount of other Schedule I or II Hallucinogens);  
At least 40 G but less than 160 G of Fenylpyrrolidine Analogues;  
At least 100 KG but less than 400 KG of Marijuana;  
At least 2 KG but less than 10 KG of Hashish Oil;  
At least 2 KG but less than 10 KG of Hashish Oil.
- (10) At least 80 G but less than 100 G of Heroin;  
(or the equivalent amount of other Schedule I or II Opiates);  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 4 G but less than 5 G of Cocaine Base;  
At least 80 G but less than 100 G of PCP, or at least 8 G but less than 10 G of Pure PCP;  
At least 80 G but less than 100 G of Methamphetamine, or at least 8 G but less than 10 G of Pure Methamphetamine;  
At least 800 MG but less than 1 G of LSD;  
(or the equivalent amount of other Schedule I or II Hallucinogens);  
At least 40 G but less than 160 G of Fenylpyrrolidine Analogues;  
At least 8 G but less than 10 G of Fenylpyrrolidine Analogues;  
At least 80 KG but less than 100 KG of Marijuana;  
At least 16 KG but less than 20 KG of Hashish Oil;  
At least 16 KG but less than 20 KG of Hashish Oil.
- (11) At least 60 G but less than 80 G of Heroin;  
(or the equivalent amount of other Schedule I or II Opiates);  
At least 300 G but less than 400 G of Cocaine;  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 3 G but less than 4 G of Cocaine Base;  
At least 60 G but less than 80 G of PCP, or at least 6 G but less than 8 G of Pure PCP;  
At least 60 G but less than 80 G of Methamphetamine, or at least 6 G but less than 8 G of Pure Methamphetamine;  
At least 600 MG but less than 800 MG of LSD;  
(or the equivalent amount of other Schedule I or II Hallucinogens);  
At least 4 G but less than 5 G of Fenylpyrrolidine Analogues;  
At least 8 G but less than 10 G of Fenylpyrrolidine Analogues;  
At least 80 KG but less than 100 KG of Marijuana;  
At least 12 KG but less than 16 KG of Hashish Oil;  
At least 12 KG but less than 16 KG of Hashish Oil.
- (12) At least 40 G but less than 60 G of Heroin;  
(or the equivalent amount of other Schedule I or II Opiates);  
At least 200 G but less than 300 G of Cocaine;  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 2 G but less than 3 G of Cocaine Base;  
At least 40 G but less than 60 G of PCP, or at least 4 G but less than 6 G of Pure PCP;  
At least 40 G but less than 60 G of Methamphetamine, or at least 4 G but less than 6 G of Pure Methamphetamine;  
At least 400 MG but less than 600 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);  
At least 4 G but less than 5 G of Fenylpyrrolidine Analogues;  
At least 8 G but less than 10 G of Fenylpyrrolidine Analogues;  
At least 40 KG but less than 60 KG of Marijuana;  
At least 8 KG but less than 12 KG of Hashish Oil;  
At least 8 KG but less than 12 KG of Hashish Oil.
- (13) At least 30 G but less than 40 G of Heroin;  
(or the equivalent amount of other Schedule I or II Opiates);  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 100 G but less than 200 G of Cocaine;  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 10 G but less than 20 G of Cocaine Base;  
At least 20 G but less than 40 G of PCP, or at least 2 G but less than 4 G of Pure PCP;  
At least 20 G but less than 40 G of Methamphetamine, or at least 2 G but less than 4 G of Pure Methamphetamine;  
At least 200 MG but less than 400 MG of LSD;  
(or the equivalent amount of other Schedule I or II Hallucinogens);  
At least 4 G but less than 5 G of Fenylpyrrolidine Analogues;  
At least 8 G but less than 10 G of Fenylpyrrolidine Analogues;  
At least 20 KG but less than 40 KG of Marijuana;  
At least 4 KG but less than 8 KG of Hashish Oil;  
At least 4 KG but less than 8 KG of Hashish Oil.

Level 18

Level 20

Level 22

Level 24

- (14) At least 10 G but less than 20 G of Heroin;  
(or the equivalent amount of other Schedule I or II Opiates);  
At least 50 G but less than 100 G of Cocaine;  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 100 G but less than 200 G of Cocaine Base;  
At least 10 G but less than 20 G of PCP, or at least 1 G but less than 2 G of Pure PCP;  
At least 100 G but less than 200 G of Methamphetamine, or at least 10 G but less than 20 G of Pure Methamphetamine;  
At least 10 G but less than 20 G of LSD;  
(or the equivalent amount of other Schedule I or II Hallucinogens);  
At least 4 G but less than 8 G of Fenylpyrrolidine Analogues;  
At least 10 G but less than 20 G of Fenylpyrrolidine Analogues;  
At least 100 KG but less than 200 KG of Marijuana;  
At least 2 KG but less than 5 KG of Hashish Oil;  
At least 2 KG but less than 5 KG of Hashish Oil.
- (15) At least 5 G but less than 10 G of Heroin;  
(or the equivalent amount of other Schedule I or II Opiates);  
At least 25 G but less than 50 G of Cocaine;  
(or the equivalent amount of other Schedule I or II Stimulants);  
At least 50 MG but less than 100 MG of Cocaine Base;  
At least 5 G but less than 10 G of PCP, or at least 500 MG but less than 1 G of Pure PCP;  
At least 50 G but less than 100 G of Methamphetamine, or at least 500 MG but less than 1 G of Pure Methamphetamine;  
At least 500 MG but less than 1000 MG of LSD;  
(or the equivalent amount of other Schedule I or II Hallucinogens);  
At least 3 G but less than 4 G of Fenylpyrrolidine Analogues;  
At least 6 G but less than 10 G of Fenylpyrrolidine Analogues;  
At least 50 KG but less than 100 KG of Marijuana;  
At least 1 KG but less than 2 KG of Hashish Oil;  
At least 1 KG but less than 2 KG of Hashish Oil.
- (16) Less than 5 G of Heroin (or the equivalent amount of other Schedule I or II Opiates);  
Less than 25 G of Cocaine;  
(or the equivalent amount of other Schedule I or II Stimulants);  
Less than 250 MG of Cocaine Base;  
Less than 5 G of PCP, or less than 500 MG of Pure PCP;  
Less than 50 G of Methamphetamine, or less than 500 MG of Pure Methamphetamine;  
Less than 500 MG of LSD (or the equivalent amount of other Schedule I or II Hallucinogens);  
Less than 2 G of Fenylpyrrolidine Analogues;  
Less than 4 G of Fenylpyrrolidine Analogues;  
At least 250 G but less than 500 G of Marijuana;  
At least 50 G but less than 100 G of Hashish Oil;  
At least 50 G but less than 100 G of Hashish Oil;  
At least 1.25 KG but less than 2.5 KG of Schedule I or II Depressants or Schedule III substances;  
20 KG or more of Schedule IV substances.
- (17) At least 1 KG but less than 2.5 KG of Marijuana;  
At least 100 G but less than 200 G of Hashish Oil;  
At least 100 G but less than 200 G of Hashish Oil;  
At least 1.25 KG but less than 2.5 KG of Schedule I or II Depressants or Schedule III substances;  
At least 8 KG but less than 20 KG of Schedule IV substances;
- (18) At least 350 G but less than 1 KG of Marijuana;  
At least 40 G but less than 200 G of Hashish Oil;  
At least 125 G but less than 200 G of Hashish Oil;  
At least 125 G but less than 200 G of Hashish Oil;  
At least 125 G but less than 200 G of Hashish Oil;  
At least 2.5 KG but less than 5 KG of Schedule I or II Depressants or Schedule III substances;  
At least 2.5 KG but less than 5 KG of Schedule IV substances;  
20 KG or more of Schedule V substances.
- (19) Less than 250 G of Marijuana;  
Less than 50 G of Hashish Oil;  
Less than 50 G of Hashish Oil;  
Less than 1.25 KG of Schedule IV substances;  
Less than 2 KG of Schedule V substances;

Level 6

Level 8

Level 10

Level 12

Level 14

NO. 02-30326  
D.C. NO. CR-03-00115-E  
UNSUBS. CONTR. OF APPEAL  
NORTH CIRCUIT

\*Where offense specified, the weight of a controlled substance set forth in the table refers to the entire weight of any mixture or substance containing a detectable amount of the controlled substance. If a mixture or substance contains more than one controlled substance, the weight of the entire mixture or substance is assigned to the controlled substance that results in the controlled offense level. In the case of a mixture or substance containing PCP or methamphetamine, use the offense level determined by the entire weight of the mixture or substance or the offense level determined by the weight of the pure PCP or methamphetamine, whichever is greater.

# SENTENCING TABLE

(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)						Career Offender
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)	BLAKLEY SAYS My Statutory MAX is The MAX OF MY Perceived guideline 30-37
1	0-6	0-6	0-6	0-6	0-6	0-6	
2	0-6	0-6	0-6	0-6	0-6	1-7	
3	0-6	0-6	0-6	0-6	2-8	3-9	
4	0-6	0-6	0-6	2-8	4-10	6-12	
5	0-6	0-6	1-7	4-10	6-12	9-15	
6	0-6	1-7	2-8	6-12	9-15	12-18	
7	0-6	2-8	4-10	8-14	12-18	15-21	
8	0-6	4-10	6-12	10-16	15-21	18-24	
9	4-10	6-12	8-14	12-18	18-24	21-27	
10	6-12	8-14	10-16	15-21	21-27	24-30	
11	8-14	10-16	12-18	18-24	24-30	27-33	
12	10-16	12-18	15-21	21-27	27-33	30-37	
13	12-18	15-21	18-24	24-30	30-37	33-41	
14	15-21	18-24	21-27	27-33	33-41	37-46	
15	18-24	21-27	24-30	30-37	37-46	41-51	
16	21-27	24-30	27-33	33-41	41-51	46-57	
17	24-30	27-33	30-37	37-46	46-57	51-63	
18	27-33	30-37	33-41	41-51	51-63	57-71	
19	30-37	33-41	37-46	46-57	57-71	63-78	
20	33-41	37-46	41-51	51-63	63-78	70-87	
21	37-46	41-51	46-57	57-71	70-87	77-96	
22	41-51	46-57	51-63	63-78	77-96	84-105	
23	46-57	51-63	57-71	70-87	84-105	92-115	
24	51-63	57-71	63-78	77-96	92-115	100-125	
25	57-71	63-78	70-87	84-105	100-125	110-137	
26	63-78	70-87	78-97	92-115	110-137	120-150	
27	70-87	78-97	87-108	100-125	120-150	130-162	
28	78-97	87-108	97-121	110-137	130-162	140-175	
29	87-108	97-121	108-135	121-151	140-175	151-188	
30	97-121	108-135	121-151	135-168	151-188	168-210	
31	108-135	121-151	135-168	151-188	168-210	188-235	
32	121-151	135-168	151-188	168-210	188-235	210-262	
33	135-168	151-188	168-210	188-235	210-262	235-293	
34	151-188	168-210	188-235	210-262	235-293	262-327	
35	168-210	188-235	210-262	235-293	262-327	292-365	
36	188-235	210-262	235-293	262-327	292-365	324-405	
37	210-262	235-293	262-327	292-365	324-405	360-life	
38	235-293	262-327	292-365	324-405	360-life	360-life	
39	262-327	292-365	324-405	360-life	360-life	360-life	
40	292-365	324-405	360-life	360-life	360-life	360-life	
41	324-405	360-life	360-life	360-life	360-life	360-life	
42	360-life	360-life	360-life	360-life	360-life	360-life	
43	life	life	life	life	life	life	

3 Level Deduction Low End Range  
with quantity that I've never pled or admitted 100

3 Level Deduction Low End Range



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YOUR HONORABLE

P61

Judge Fred C. VANSICKLE

I'm writing you again in regards to my 1<sup>st</sup> letter I wrote a few weeks ago before my MAY 24<sup>th</sup> due date on my appeal, explaining to you my concerns and disagreements about issues that I wanted addressed in my brief before MAY 24<sup>th</sup>. I also stated that I asked for several issues to be included in my brief, mainly the - AMELINE case, which is a federal case like mine's, that explains BLAKELY'S DEFINITION OF 841 b(1)(C) STATUTORY MAXIMUM. Which is a pending supreme court case out of the Ninth Cir. I explained to him that my 841 b(1)(C) WAS SIMILAR to AMELINE. I told counsel that my base offense level since I did not admit to any quantity at my plea hearing should be 12. I pled only to the statute of 841 (A)(1) BUT NO QUANTITY, I explained to him my prescribed guideline range after I pled to the charge without any additional facts used to enhance me was 30 to 37 months including criminal history points, I never admitted to being a career offender nor was I ever notified by a filing about career offender, which is a requirement for 851 and ACC - ARMED CAREER CRIMINAL when seeking to enhance a sentence or statutory max. Any enhancement should not only be charged but submitted to a jury, I was never charged with career offender to allow a jury to decide nor was career offender admitted by me in my plea agreement, I only agreed that that fact would be decided by the district court, at time of sentencing, which could not be decided by a jury or district court if the career offender enhancement is never charged in original indictment, I told him I can't be guilty of any enhancements that were never charged against me. I also explained to my counsel, that even if I were a career offender that my statutory maximum would not be 30 years because of what the charge carries and my prior offense, but simply my maximum of -

my prescribed guideline RANGE which is 37 months, He's Having A HARD time Addressing Them Facts For me, Which is why I wrote you And The COURT OF APPEALS Before my BRIEF was Filed Against my wishes I WAS NEVER given A NOTICE of my BRIEF before it was Filed To Allow me to Agree or disagree or Request Any Additional ISSUES, I Read my BRIEF For The First time MAY 24<sup>th</sup>. He NEVER consulted With me About getting Extra time Before Filing my BRIEF, That's why I wrote The DISTRICT COURT And The APPEALS COURT giving notice That The ISSUES I wanted Raised would not be - Included In my BRIEF And AS you can see CLEARLY It's NOT. I WAS MORE concerned About my Sentencing ISSUES, And statements you Made At Sentencing About Being Bound by The guidelines At The Time you sentenced me. I just want to be Resentenced In your COURT since you Have The Authority to sentence me below 15 years I've Had A Terrible Experience With being Addicted to DRUGS I'm 36 years old This year And I Have 5 children From 1 to 12 years old, I would try ANYTHING To Have A Chance With A Life With my wife And kids, I need my kids And They need me, I just visited With them Last week, It's HARD To Explain To my son why DRUGS carry A lot of Time, I want Hope For them, I Did not Have A Dad growing up, I ALWAYS said That when I Had kids I would be There For them I Made A very bad Mistake, And I Have Made poor choices In The past, And my present choice HAS cost me my children For 15 years I can't believe It - I Have never Had The opportunity For A drug program just A sentence of Imprisonment, I Take Responsibility For my Action, But me And my family PRAY That you - Reconsider sentencing me To A much lower sentence. I Have A kidney disease I don't know How long it will hold up But I Really want Help And I want to be There For my little kids They are getting bigger but they are my babies I want A honest chance And Life With them Please.

I CAN ONLY PRAY TO GOD THAT YOU ALLOW ME A REGULAR LIFE AGAIN, I'M WILLING TO DO WHAT EVER THE COURT SAYS AS A MAN'S OR PURPOSE TO BE SUCCESSFUL, GIVE ME A CHANCE JUDGE VANSICKLE TO TURN MY LIFE AROUND YOU HAVE THE AUTHORITY IF ONLY YOU WANT, TO GIVE ME A PATTERN FOR SUCCESS AND ACHIEVEMENT, I'M A GOOD PERSON AND I NEED TO PROVE IT, WHICH IS A CHALLENGE THAT I'M FOR. YOUR HONOR I'M ASKING TO HAVE MY PRESENT COUNSEL REMOVED FROM THE RECORD OF ASSISTING ME, I HAD ALREADY WROTE MY PRESENT COUNSEL AND TOLD HIM I WOULD LIKE FOR HIM TO WITHDRAW AS COUNSEL, I DID THAT DURING THE FIRST TIME I WROTE YOU BEFORE MY BRIEF WAS FILED, NOW HE'S WRITING ME TELLING ME THAT I HAVE TO SEND HIM A COPY OF THE FIRST LETTER TO THE COURT REQUESTING THAT HE BE REMOVED AS MY COUNSEL SO I'M WRITING AND SENDING A COPY OF HIS LETTER TO ME ASKING ME TO ADDRESS HIM WITH A LETTER AGAIN. YOUR HONOR IF YOU WILL ALLOW ME TO REPRESENT MYSELF AND GRANT ME PERMISSION TO ADDRESS THE DISTRICT COURT ON BEING RESENTENCED, FOR MY FAMILY AND KIDS I CAN DO IT, WITH GOD'S HELP  
THANK YOU FOR UNDERSTANDING

God Bless You

*Robert Thomas*

PHILIP E. NINO  
Attorney at Law

1304 West College  
Spokane, WA 99201-2013

(509) 325-5466

May 24, 2005

Roshon Thomas, No. 10846-085  
Federal Correction Institution  
P.O. Box 5000  
Sheridan, OR 97378

Re: Appeal

Legal Mail

Dear Mr. Thomas:

You had been concerned that certain elements of your case had not been proven to a jury, and that you did not receive notice of certain elements and no quantity was alleged. You have been erroneously relying mainly on the Blakely case. I told you I would specifically research your questions and I had been prepared to give you case law on your issues for when you were to phone me last Friday, May 20, 2005 at 2:00 p.m. but you never called. Instead, you sent me a letter that I read this week telling me I had not addressed your issues.

At the same time, your brief was due and I had been working for many hours on it in recent weeks and filed it just under the deadline. I'm sure you received your copy by now.

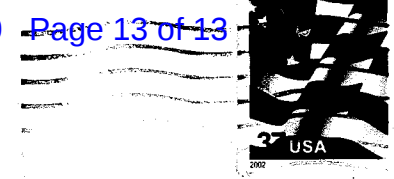
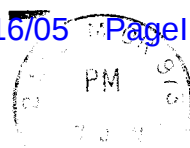
If you wish to proceed to request new counsel, send me a copy of the letter you said you sent to the court and I will bring a motion on your behalf.

Very truly yours,

  
PHILIP E. NINO  
PEN/ns

01

Thomas # 10846-085  
Correctional Institution  
5000  
J, OR 97378



To

Legal  
MAIL

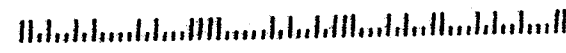
Legal

YOUR Honorable Judge  
Fred VANSICKLE

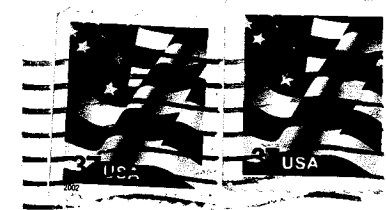
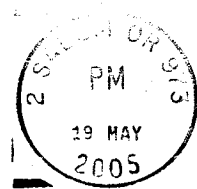
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Thomas # 10846-085  
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To "Fred"  
Judge ~~was~~ VANSICKLE  
United States District Court  
EASTERN DISTRICT OF WASHINGTON  
P.O. Box 2209  
Spokane, WA 99210 - 0283

99210-2209

